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VIA FEDEX & ELECTRONIC MAIL

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RE: *Nick Sandmann*

Dear David:

As you know, I represent Nick Sandmann ("Nick") and his parents. I have been engaged by the Sandmann Family to investigate and pursue legal redress for false and defamatory accusations against Nick published by *Cable News Network, Inc.* ("CNN") in connection with the events at the National Mall in Washington, D.C. on January 18, 2019, which occurred after Nathan Phillips ("Phillips") confronted Nick and other students of Covington Catholic High School (the "January 18 Events"). In order to afford CNN an opportunity to mitigate the substantial harm it has caused to Nick, I hereby demand that CNN immediately retract and correct the defamatory statements identified herein, as well as immediately remove from the Internet each of the online articles and social media posts referenced herein.

Between January 19, 2019, and January 25, 2019, CNN published a series of television broadcasts and online articles containing false and defamatory statements which conveyed that Nick instigated the incident with Phillips and engaged in racist and unlawful conduct by accusing Nick of the following conduct, among other things:

- (a) actively surrounding Phillips while Phillips was merely engaged in song and prayer;
- (b) intentionally blocking Phillips' path to the Lincoln Memorial or otherwise restricting his egress from a confrontation instigated by Nick;
- (c) taunting Phillips and others;
- (d) mocking Phillips and others;
- (e) assaulting or otherwise physically threatening Phillips and others; and
- (f) hurling racial slurs or other inappropriate comments at Phillips and/or the Hebrew Israelites.

The gist of CNN's reporting and its discrete false factual accusations against Nick are defamatory *per se* and were published negligently and with a reckless disregard for the truth. As

CNN apparently intended, expected, and may have even contracted with other publications to ensure, these false accusations were republished by outlets across the country. Accordingly, not only are damages to Nick caused by *CNN*'s own publications presumed, but it is also liable for damages caused by each and every republication of the false and defamatory articles identified herein.

Further, by publishing its articles, *CNN* orchestrated and joined an agenda-driven mainstream and social media mob whose goal was to harass, threaten, disparage, and vilify Nick, a 16-year old minor who literally and factually did nothing more than stand still when unexpectedly confronted by an adult Native American activist beating a drum and singing loudly within inches of his face while surrounded by cameras. With its online and broadcast audience in the tens of millions, *CNN* provided a worldwide megaphone to the false and defamatory narrative that Nick instigated a racist confrontation by seeking out and surrounding Phillips in order to taunt, mock, and physically threaten him and his fellow activists while they were either packing up from their participation in the Indigenous Peoples March or were on their way to pray and sing at the Lincoln Memorial.

As *CNN* now must acknowledge, the truth is that Nick was the victim of the actions by adults at the Lincoln Memorial and the subsequent mainstream media and social media mob which attacked, vilified, and threatened him. Nick and his Covington Catholic High School classmates were subjected to more than an hour of racist and homophobic slurs, as well as threats of physical violence, by the Black Hebrew Israelites, a recognized hate group. In response and with the permission of their school chaperones, the students engaged in a school spirit cheer to drown out the hateful speech being hurled at them. In the midst of an ongoing school cheer, Phillips and his activist companions intentionally sought out and confronted Nick and his classmates while carrying cameras to hopefully capture a viral moment on film. Phillips inserted himself into the group of students and chose Nick as his target. Phillips never attempted to move past, around, or away from Nick. Indeed, when the students' buses arrived for the students' return trip to Kentucky, Phillips did not proceed to the Lincoln Memorial, rather he turned around and celebrated his perceived "win" with his camera-toting activist companions.

My investigation establishes that *CNN* has failed to correct its reporting or publish the incontrovertible truth of this incident despite its pervasive presence in the public domain. Although it is clear that *CNN* published its accusations against Nick with a reckless disregard for the truth and otherwise purposefully avoided the truth in its biased effort to advance its well-known anti-Trump agenda, Nick is a private figure and need only prove negligent publication in order to prevail in a defamation action against *CNN*. The negligence of *CNN* is beyond dispute as *CNN* did not undertake any reasonable investigation prior to publishing its false accusations and also relied in part on a biased source whose documented lies should have raised serious issues regarding his credibility. *CNN*'s conduct in rushing to judgment and relying on incomplete information, manufactured evidence, and biased sources is legally and factually inexcusable. *CNN* negligently and recklessly published a false and defamatory narrative about the January 18 Events by broadcasting and publishing the lies of an activist with highly questionable credibility and without undertaking even the most basic of journalistic investigations which would have quickly exposed

his lies. *CNN* rushed to judgment to advance its anti-Trump agenda at the expense of the reputation and life of an innocent 16-year old student.

In the event *CNN* questions the accuracy of my statements describing the truth of what occurred during the January 18 Events, I suggest you review the attached report prepared by Greater Cincinnati Investigation, Inc. ("GCI"), an independent investigative firm retained by counsel for the Diocese of Covington. Nick told the truth. *CNN* published lies. A compilation of video clips that were available online for review as part of a reasonable investigation, but ignored by *CNN*, can be found at <https://www.youtube.com/watch?v=ISkpPaiUF8s>, entitled "Nick Sandmann: The Truth in 15 Minutes" (the "Video"). The GCI report, the Video, and the detailed statement of Nick Sandmann (also available online) set forth the true events of January 18 and unequivocally establish the falsity of *CNN*'s reporting and articles described herein.

Below you will find a recitation of the specific articles that must be taken down and the defamatory statements that must be retracted.¹

I. *CNN*'s Television Broadcasts

A. The First False and Defamatory Television Broadcast, January 19: Sub-titled, *inter alia*: "NATIVE AMERICAN WAR VET: 'THIS YOUNG FELLA PUT HIMSELF IN FRONT OF ME AND WOULD NOT MOVE'" (the "First Broadcast")

In its First Broadcast, *CNN* published the following statements which must be retracted:

1. The sub-title "NATIVE AMERICAN WAR VET: 'THIS YOUNG FELLA PUT HIMSELF IN FRONT OF ME AND WOULD NOT MOVE'"
2. The sub-title: "HEARTBREAKING VIRAL VIDEO ... Viral video appears to show teens harassing Nathan Phillips in DC"
3. The sub-title "HEARTBREAKING VIRAL VIDEO ... 'I'M A VIETNAM VETERAN AND I KNOW THAT MENTALITY OF 'THERE'S ENOUGH OF US, WE CAN DO THIS'"
4. "We are hearing from a Native American elder and Vietnam war veteran speaking to *CNN* after a disturbing viral video shows a group of teens harassing and mocking him in the nation's capitol."

¹ The specific statements referenced herein do not represent an exhaustive list of all those juxtaposed statements through which *CNN* conveyed a false and defamatory accusation against Nick. Rather, the statements listed herein are those which, themselves, convey false and defamatory facts relied upon by *CNN* to support of its false gist. Nick reserves the right to rely upon a combination of these and other statements to demonstrate the defamatory meaning appropriately ascribed to each broadcast and/or article.

5. “Nathan Phillips was beating his drum and singing an American Indian protest song ... when he saw a clash erupting between a group of teenaged students and four African American young men preaching about the bible and oppression ...”

6. “Surrounding him are a throng of young, mostly white teenage boys, several wearing ‘Make America Great Again’ caps, with one who stood about a foot from the drummer’s face also wearing a relentless smirk.”

7. “When I was there and I was standing there and I seen that group of people in front of me and I seen the angry faces and all of that I realized I had put myself in a really dangerous situation, you know, it was like here is a group of people who were angry at somebody else and I put myself in front of that and all of a sudden I am the one who all that anger and all that wanting to have the freedom to just rip me apart, you know, that was scary. I’m a Vietnam times veteran and I know that mentality of ‘there’s enough of us, we can do this.’”

8. “Then Phillips described the tense moments now being replayed over and over again online when a young man got right in his face, watch.”

9. “When I started going forward and that massive groups of people started separating and separating and moving aside to allow me to move out of the way, or proceed, this young feller put himself in front of me and wouldn’t move. And, so I couldn’t – if I took another step, I would be putting my person into his presence, into his space, and I would have touched him, and that would have been the thing that the group of people would have needed to spring on me.”

10. “[What bothered Phillips the most about Friday’s confrontation?] Fear. Not for myself but fear for the next generations, fear of where this country is going, fear for those youths, fear for their future, fear for their souls, for their spirit, their, what they’re gonna do to this country, what they were doing wasn’t making American great, it as just tearing down the fabric, the whole idea, the spirit of America, that wasn’t it.”

11. “Newly elected congresswoman Deb Haaland is among the first Native Americans elected to congress sand she elected to this on twitter, writing ‘this veteran put his life on the line for our country. The student’s display of blatant hate, disrespect, and intolerance is a signal of how common decency has decayed under this administration. Heartbreaking.’

12. “We condemn the actions of the Covington Catholic High School students towards Nathan Phillips specifically, and Native Americans in general, Jan. 18, after the March for Life, in Washington, D.C. We extend our deepest apologies to Mr. Phillips. This behavior is opposed to the Church’s teachings on the dignity and respect of the human person. The matter is being investigated and we will take appropriate action, up to and including expulsion. ...”

Whether or not specifically addressed in this letter, all publicly available versions of the First Broadcast must be taken down and retracted.

B. The Second False and Defamatory Television Broadcast, January 21: Erin Burnett Out Front, Sub-titled, *inter alia*: “STUDENT AT CENTER OF CONTROVERSIAL VIRAL FACE-OFF SPEAKS OUT” (the “Second Broadcast”)

In its Second Broadcast, *CNN* published the following statements which must be retracted:

1. “I do wanna read to you what the Native American gentleman said. He said look, I’ve read the statement from Nick Sandmann, he said he stared at me for a long time and he didn’t apologize and he believes there are intentional falsehoods in his testimony.”

2. “I have read the statement from Nick Sandmann, the student who stared at me for a long time. He did not apologize, and I believe there are intentional falsehoods in his testimony.”

In addition to the false accusations addressed above, the Second Broadcast and other statements below falsely accused Nick of being a liar. Whether or not specifically addressed in this letter, all publicly available versions of the Second Broadcast must be taken down and retracted.

II. *CNN*’s Online Articles

Without conceding that Nick is obligated to demand a retraction as to articles or accusations published online and in social media, the following online articles are false and defamatory.

A. The First False and Defamatory Online Article, January 19: “Teens in Make America Great Again hats taunted a Native American elder at the Lincoln Memorial” (the “First Article”)²

In its First Article, *CNN* published the following statements which must be retracted:

1. The headline “Teens in Make America Great Again hats taunted a Native American elder at the Lincoln Memorial”

2. “Videos of the confrontation show a smiling young man in a red Make America Great Again hat standing directly in front of the man, who was playing a drum and chanting. Other kids could be seen laughing, jumping around and making fun of the chants.”

3. “‘I did not feel safe in that circle,’ said Kaya Taitano, a student at the University of the District of Columbia who participated in the march and shot the videos.”

² *CNN*’s updated headline “Teen in confrontation with Native American elder says he was trying to defuse the situation” and article notwithstanding (which is, itself, actionable), *CNN* will be held liable for its First Article as originally published. The updated version of this article is addressed below. To the extent *CNN* republished the First Broadcast in its First Article, it must also be retracted.

4. “She [Taitano] told CNN that the teens were chanting things like ‘Build the wall’ and ‘Trump 2020.’”

5. “Taitano said the whole incident started when the teens and four young African-Americans, who’d been preaching about the Bible nearby, started yelling and calling each other names.”

6. “It got pretty intense, Taitano said, so Nathan Phillips, an elder with the Omaha tribe, started playing his drum and chanting what she was told was a healing prayer, to help defuse the situation.”

7. “Phillips walked through the crowd, and Taitano said things were starting to calm down until he got to the grinning boy seen in the video.”

8. “‘This one kid just refused to move and he just got in Nathan’s face,’ she said.”

9. “Other boys circled around, she said. ‘They just surrounded him and they were mocking him and mocking the chant. ...’”

10. “‘I was scared, I was worried for my young friends. I don’t want to cause harm to anyone,’ Phillips told CNN’s Sara Sidner. ‘I don’t like the word ‘hate.’ I don’t like even saying it, but it was hate unbridled. It was like a storm.’”

11. “‘What the young man was doing was blocking my escape. I wanted to leave. I was thinking, ‘How do I get myself out of this? I want to get way from it,’ Phillips said.”

12. “‘We condemn the actions of the Covington Catholic High School students towards Nathan Phillips specifically, and Native Americans in general, Jan. 18, after the March for Life, in Washington, D.C. We extend our deepest apologies to Mr. Phillips. This behavior is opposed to the Church’s teachings on the dignity and respect of the human person. The matter is being investigated and we will take appropriate action, up to and including expulsion. ...’”

13. “Taitano, who is from Guam, said she was raised to treat her elders with respect so it hurt to see them treat Phillips so badly.”

14. “Phillips also appeared upset in a video Taitano posted after the confrontation. He wiped away tears as he talked about the chants of ‘build that wall.’”

B. The Second False and Defamatory Online Article, January 20: “Native American man confronted by teens speaks out” (the “Second Article”)

In its Second Article, *CNN* published the following statements which must be retracted:

1. The headline “Native American man confronted by teens speaks out.”
2. The republication of the false statements in the First Broadcast set forth above.
3. “Nathan Phillips, a Native American elder with the Omaha tribe, shares how he felt after he was mocked by a crowd of teenagers wearing ‘Make America Great Again’ hats during the Indigenous Peoples March in Washington.”

C. The Third False and Defamatory Online Article, January 21: “Native American elder Nathan Phillips, in his own words” (the “Third Article”)

In its Third Article, *CNN* published the following statements that must be retracted:³

1. The republication of the false statements in the First Broadcast set forth above.
2. “Phillips described what he felt was hatred coming from the young people in the crowd, who are pupils at Covington Catholic School in Kentucky ...”
3. *CNN* question: “Tell us what happened, what transpired between you and the young people who were all standing around you? How did you end up surrounded by this group of young people with the MAGA hats on?”
4. Answer: “... it escalated into an ugly situation that I found myself in the middle of. Yeah, I found myself in the middle of it, sort of woke up to it.”
5. *CNN* question: “What did it feel like that you were witnessing?”
6. Answer: “Oh, what I was witnessing was just hate? Racism? Well, hate. What I’m saying is that when these folks came there, these other folks were saying their piece, and these others they got offended with it because they were both just expressing their own views. And if it’s racism, that’s what it was because the folks that were having their moment there, they were saying things that I don’t know if I agreed with them or not, but some of it was educational, and it was truth, and it was history about religious views and ideologies, but these other folks, the young students, they couldn’t see it. They had one point of view, it seemed, and that was their point of view was the only point of view that was worthwhile.”
7. *CNN* question: “Were you trying to calm the situation down basically when you saw kind of things seemed to spiral out of control?”
8. Answer: “I think so. I think that was the push, that we need to use the drum, use our prayer and bring a balance, bring a calming to the situation. ... It looked like these young men

³ Both the questions and answers identified herein conveyed defamatory meanings.

were going to attack these guys. They were going to hurt them. They were going to hurt them because they didn't like the color of their skin. They didn't like their religious views. They were just here in front of the Lincoln – Lincoln is not my hero, but at the same time, there was this understanding that he brought the (Emancipation Proclamation) or freed the slaves, and here are American youth who are ready to, look like, lunch these guys. To be honest, they looked like they were going to lynch them. They were in this mob mentality. ... To allow such hate and racism”

9. *CNN* question: “Let me ask you about what happened to you. These boys in the middle of this group and you find yourself surrounded. How did that happen and what did that feel like as a person standing there face to face with a young man who seems to be staring at you or glaring at you? Do would you describe that moment?”

10. Answer: “When I was there and I was standing there and I seen that group of people in front of me and I seen the angry faces and all of that, I realized I had put myself in a really dangerous situation. Here's a group of people who were angry at somebody else and I put myself in front of that, and all of a sudden, I'm the one who[] all that anger and all that wanting to have the freedom to just rip me apart, that was scary. And I'm a Vietnam times veteran and I know that mentality of ‘There's enough of us. We can do this.’”

11. *CNN* question: “The young man that was standing in front of you, what was he doing and what was he trying to do as you were playing the drum. Were you fearful? Were you trying to leave?

12. Answer: “... I had realized where I'm at and what I was doing, and I realized there was other people with me and I didn't want them to get hurt because there was 100-plus of these young men who were well-fed and healthy and strong and ready to do harm to somebody. And they just wanted that point of ‘This is it’ and spring. If this young man though that he was [at] that point and what I was trying to do, I realized where I was at. I needed an out. I needed to escape. I needed to get away. I needed to retreat somehow, but the only way I could retreat at that moment, is what I see, is just to go forward, and when I started going forward and that mass of groups of people started separating and moving aside to allow me to move out of the way or to proceed, this young fellow put himself in front of me and wouldn't move. If I took another step, I would be putting my person into his presence, into his space and I would've touched him and that would've been the thing that the group of people would've needed to spring on me. Because if I would've reached out with my drum or with my hands and touched him, that would've given them – I did that. I struck out, and that's not what I was doing. The song I was singing, the reason for it, was to bring unity and to bring love and compassion back into our minds and our beings as men and as protector of what is right. ...”

13. *CNN* question: “Does it feel like hatred toward you because the kids will say, ‘Oh we were just chanting our school chants and this person came in between us as we were chanting our school chants and we were not being hateful.’ What did it feel like to you?”

14. Answer: "I'm sorry. I don't mean to laugh. Well, yes, I do, I guess. I heard that rhetoric before and it's just one of those things, it's got to be like water off a duck's back. Time for lies to not be accepted anymore. I don't accept their 'I'm just chanting a school chant.'"

15. CNN question: "Was there fear? ... What did it feel like in that scenario for you as you were standing there sort of surrounded and the chants were going on and the young man was standing sort of in your face?"

16. Answer: "When they said, 'Let's go hit the drum, let's go sing, let's reclaim our space here' because this was the Indigenous Peoples March rally, and when these two groups came together and started that and I was witnessing as it escalated from just two small groups, then the other one just went back and got more people, went back and got more people, went back and got more people until there were over 100 people, maybe 200 young men there facing down what, four individuals? Why did they need 200 people there other than it's hate and racism? They had their target. They had their prey."

17. CNN question: "Were they being hateful, just bottom line? Did you feel hate from this group of people? Did it feel like they were being aggressive?"

18. Answer: "I do believe that's all I could feel, and I don't like feeling it."

19. CNN question: "One of the things they said is we weren't protesting against Native Americans. We were there for the March for Life and we were just chanting – and this is kind of putting the blame on you – and that this person came into our space and we were just getting all hyped up. Do you buy that?"

20. Answer: "Not in the least."

21. CNN question: "What really happened?"

22. Answer: "They were there looking for trouble, looking for something. Everybody know the right to life and (pro-choice), it's been like this and they're hateful to each other. ... If they were doing that, they should've done that there and then when they come into public, that wasn't the place for that. That was a public forum where we was at. We were still under the protection of our permit for the indigenous peoples rally."

23. CNN question: "You dispute what they're trying to push off, which is basically, 'We were just chanting our school chants and this person came into our space and we were just being happy-go-lucky kids.'"

24. Answer: "No, not happy go lucky. If they was happy go lucky, we wouldn't been laughing and enjoying each other's presence and company because that's the kind of thing I like to do. I like to meet people. ... But what was happening there, there was nothing happy go lucky

about it. It was just, 'Build the wall' and some of the things that I heard by can't really say I exactly heard that because it was way over there, and they could say, 'Oh nobody said that. It wasn't us who said that.' So it's one of those he-said, she-said, things and what I'm saying is that they were being very aggressive and they were very ready to hurt somebody. They just needed a reason. ..."

D. The Fourth False and Defamatory Online Article, January 21: "A new video shows a different side of the encounter between a Native American elder and teens in MAGA hats" (the "Fourth Article")

In its Fourth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the Second Broadcast set forth above.
2. "A video that shows white high school students in Make America Great Again hats and shirts mocking a Native American elder shocked the country, leading to widespread denunciations of the teens' behavior."
3. "Phillips has said the teens blocked his escape."
4. "Kaya Taitano, who shot the viral video, said the teens were chanting 'Build the wall' and 'Trump2020.'"
5. "The situation was starting to grow calm until Sandmann got in Phillips' face, Taitano said. Phillips kept chanting and beating his drum as other boys circled around, 'mocking him and mocking the chant,' Taitano said."
6. "Phillips said the teen blocked his path as he tried to keep moving. 'I was scared,' Phillips told *CNN*'s Sara Sidner. 'I don't like the word 'hate.' I don't like even saying it, but it was hate unbridled. ..."

E. The Fifth False and Defamatory Online Article, January 21: "Chaperones on Kentucky high school trip defend students" (the "Fifth Article")

In its Fifth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the Second Broadcast set forth above.
2. "Parents who chaperoned Kentucky high school students who were captured in a viral video mocking a Native American elder on a class trip are defending the teenagers."
3. "The Covington Catholic High School students were criticized when a brief video surfaced on Friday showing them wearing Make America Great Again hats and mocking Omaha

Tribe elder Nathan Phillips during the school's annual trip to a March for Life rally in Washington."

4. "Kaya Taitano, a student at the University of the District of Columbia who took part in the Indigenous Peoples Rally and shot the first viral video, said the teenagers were chanting 'Build the wall' and 'Trump2020.'"

5. "Phillips has also said the teenager blocked his escape. Sandmann has denied blocking Phillips' path, saying Phillips 'locked eyes' with him."

F. The Sixth False and Defamatory Online Article, January 21: "March for Life teen's confrontation with Native American reveals an ugly divide" (the "Sixth Article")

In its Sixth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the Second Broadcast set forth above.
2. "A young group of men from Covington Catholic High School in Kentucky appeared to taunt a Native American man who had been participating in the nearby Indigenous Peoples march."
3. "Nathan Phillips, the Vietnam Veteran and an elder of the Omaha tribe, says he heard the young men chanting, 'Build that wall' ..."
4. "They mostly feature the face of one student, Nick Sandmann – who appears to be smirking, and has now come forward – as he stared down the elder, while a crowd of his fellow students all wearing red-and-white 'Make America Great Again' hats gathered around, laughing, and seeming to mock-sing along with Phillips' chant."

G. The Seventh False and Defamatory Online Article, January 21: "A new video shows a different side of the encounter between a Native American elder and teens in MAGA hats" (the "Seventh Article")

In its Seventh Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the Second Broadcast set forth above.
2. "A video that shows white high school students in Make America Great Again hats and shirts mocking a Native American elder shocked the country, leading to widespread denunciations of the teens' behavior."
3. "Phillips has said the teens blocked his escape."

4. “Kaya Taitano, who shot the viral video, said the teens were chanting ‘Build the wall’ and ‘Trump2020.’”

5. “The situation was starting to grow calm until Sandmann got in Phillips’ face, Taitano said. Phillips kept chanting and beating his drum as other boys circled around, ‘mocking him and mocking the chant,’ Taitano said.”

6. “Phillips said the teen blocked his path as he tried to keep moving. ‘I was scared,’ Phillips told CNN’s Sara Sidner. ‘I don’t like the word ‘hate.’ I don’t like even saying it, but it was hate unbridled. ...”

H. The Eighth False and Defamatory Online Article, January 22: “Trump takes students’ side in racially charged DC protest controversy” (the “Eighth Article”)

In its Eighth Article, *CNN* published the following statements which must be retracted:

1. A link which republished the false statements in the First Broadcast.
2. The republication of the false statements in the Second Broadcast set forth above.
3. “The video attracted outrage on social media, where many accused the students of mocking Phillips, who later told CNN he felt threatened.”

I. The Ninth False and Defamatory Online Article, January 22: “Native American elder and Covington Catholic teen both say they are willing to talk” (the “Ninth Article”)

In its Ninth Article, *CNN* republished the false statements in the First Broadcast, and it must be taken down and retracted.

J. The Tenth False and Defamatory Online Article, January 22: “White House expresses support for Covington Catholic students” (the “Tenth Article”)

In its Tenth Article, *CNN* republished the false statements in the Second Broadcast, and it must be taken down and retracted.

K. The Eleventh False and Defamatory Online Article, January 22: “DC Protest weekend was a national Rorschach test” (the “Eleventh Article”)

In its Eleventh Article, *CNN* republished the false statements in the First Broadcast, and it must be taken down and retracted.

L. The Twelfth False and Defamatory Online Article, January 23: “American mocks and dehumanizes natives at every turn” (the “Twelfth Article”)

In its Twelfth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the First Broadcast set forth above.
2. The sub-headline “Native American confronted by teens speaks out”
3. “Let’s be absolutely clear about something here: Whatever else may have been said about it or our country’s reactions to it, the racist disrespect of Nathan Phillips, a Native American elder, by Nick Sandmann and his MAGA-hat clad classmates of Covington Catholic High School at the Lincoln Memorial is nothing new.”
4. “Indeed, the very form of anti-native ridicule and disrespect of personhood and culture caught on multiple videos that day predates Donald J. Trump and his base by centuries.”
5. “Just business as usual in America, which is why when Sandmann was filmed smirking at Phillips as his raucous peers whooped and jeered in the background I wasn’t surprised at all.”
6. “It also didn’t shock me when the all-boys Catholic school crew went so far as to shout ‘build the wall’ at a Native American, according to Phillips’ account of the event.”
7. “And that is the only difference here: Sandmann intentionally mocked a native elder for the entertainment of his friends, got caught, and still won’t apologize.”

M. The Thirteenth False and Defamatory Online Article, January 23: “Teen in confrontation with Native American Elder says he was trying to defuse the situation” (the “Thirteenth Article”)⁴

In its Thirteenth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the Second Broadcast set forth above.
2. “A crowd of teenagers surrounded a Native American elder and other activists and appeared to mock them after Friday’s Indigenous Peoples March at the Lincoln Memorial.”
3. “Videos of the confrontation show a smiling young man in a red Make America Great Again hat standing directly in front of the man, who was playing a drum and chanting. Other kids could be seeing laughing, jumping around and seemingly making fun of the chants.”

⁴ This is *CNN*’s updated version of its First Article.

4. “Nathan Phillips, an elder with the Omaha Tribe, said the confrontation felt like ‘hate unbridled.’ In the moment, he said he was scared for his safety and the safety of those with him.”

5. “Kaya Taitano, a student at the University of the District of Columbia, participated in the Indigenous Peoples March earlier in the day. She said the teens were chanting things like ‘Build the wall’ and ‘Trump2020.’ ... ‘I did not feel safe in that circle,’ she said.”

6. “... Taitano said things were starting to calm down until he got to the grinning boy seen in the video. ‘This one kid just refused to move and he just got in Nathan’s face,’ she said. Other boys circled around, she said. ‘They just surrounded him and they were mocking him and mocking the chant.’”

7. “‘I was scared, I was worried for my young friends. I don’t want to cause harm to anyone, Phillips told CNN’s Sara Sidner. ‘I don’t like the word ‘hate.’ I don’t even like saying it, but it was hate unbridled. ...’”

8. “‘What the young man was doing was blocking my escape. I wanted to leave. I was thinking, ‘How do I get myself out of this? I want to get away from it,’ Phillips said.’”

9. “‘We condemn the actions of the Covington Catholic High School students towards Nathan Phillips specifically, and Native Americans in general, Jan. 18, after the March for Life, in Washington, D.C. We extend our deepest apologies to Mr. Phillips. This behavior is opposed to the Church’s teachings on the dignity and respect of the human person. The matter is being investigated and we will take appropriate action, up to and including expulsion. ...’”

10. Video of Phillips saying “I heard them saying, ‘Build that wall, build that wall.’”

N. The Fourteenth False and Defamatory Online Article, January 23: “Catholic student in viral video says he respects Native American elder, but he doesn’t own an apology” (the “Fourteenth Article”)

In its Fourteenth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the First Broadcast set forth above.
2. “He [Phillips] described the situation as tense and said he feared for his safety.”

O. The Fifteenth False and Defamatory Online Article, January 23: “5 things to know for January 23: Shutdown, teachers’ strikes, transgender military ban” (the “Fifteenth Article”)

In its Fifteenth Article, *CNN* republished the false statements in the Second Broadcast, and it must be taken down and retracted.

P. The Sixteenth False and Defamatory Online Article, January 23: “Viral video sparks outrage” (the “Sixteenth Article”)

In its Sixteenth Article, *CNN* republished the false statements in the Second Broadcast, and it must be taken down and retracted.

Q. The Seventeenth False and Defamatory Online Article, January 24: “Native American elder from viral staredown [sic] says teen’s response is coached, insincere” (the “Seventeenth Article”)

In its Seventeenth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the First Broadcast set forth above.
2. “Omaha Nation elder Nathan Phillips says he thinks Nick Sandmann, the Catholic school teen with whom he faced off last week in Washington, is skirting accountability and needs to apologize for his actions.”
3. “Phillips said the students surrounded him, and Sandmann blocked his path to the Lincoln Memorial steps. He heard some students chant, ‘Build the wall,’ he said.”
4. “Asked if he should have walked away, Phillips said he tried but couldn’t. ‘I was blocked,’ he said.”

R. The Eighteenth False and Defamatory Online Article, January 25: “Kentucky Catholic diocese apologizes for condemning students in viral video with Native American elder” (the “Eighteenth Article”)

In its Eighteenth Article, *CNN* published the following statements which must be retracted:

1. The republication of the false statements in the First Broadcast set forth above.
2. The republication of the false statements in the Second Broadcast set forth above.
3. “Phillips, on the other hand, told CNN this week he felt hatred coming from the young people in the crowd. When asked about Nick standing in front of him, Phillips told CNN

he was trying to retreat and the only way he could do so was to go forward. ‘When I started going forward and that mass of groups of people started separating and moving aside to allow me to move out of the way or to proceed, this young fellow put himself in front of me and wouldn’t move,’ Phillips said.”

4. The republication of false statements in a third television broadcast, including the following statement from Sara Sidner: “He felt like he was being mocked ...”

III. CNN’s Social Media Publications

CNN also posted certain information regarding the January 18 Events on Twitter to its approximate 41 million followers. For instance, on January 20, *CNN* posted its First Article to Twitter, stating “Video shows a crowd of teenagers wearing ‘Make America Great Again’ hats taunting a Native American elder after Friday’s Indigenous Peoples March at the Lincoln Memorial, and on January 21, *CNN* posted its Third Article to Twitter. All such posts must be taken down and retracted.

If *CNN* seeks to justify its false and defamatory reporting based on the initial statement issued by the Diocese of Covington and Covington Catholic High School, such reliance will be misplaced and will provide no legal defense. As you well know, republishers are liable for the false and defamatory statements of the original publisher – a talebearer is as bad as the talemaker. In his letter of January 25, 2019, to Covington Catholic Parents (copy enclosed), the Bishop of Covington, the Most Reverend Roger J. Foy, D.D., admitted that the initial statement of the Diocese was in error and was issued prematurely before the incident had been investigated:

We are sorry that this situation has caused such disruption in the lives of so many. We apologize to anyone who has been offended in any way by either of our statements which were made with good will based on the information we had. We should not have allowed ourselves to be bullied and pressured into making a statement prematurely, and we take full responsibility for it. I especially apologize to Nicholas Sandmann and his family as well as to all CovCath families who have felt abandoned during this ordeal. Nicholas unfortunately has become the face of these allegations based on video clips. This is not fair. It is not just.

The reckless and negligent rush to judgment by *CNN* mirrored the reckless and negligent conduct of the Diocese of Covington and Covington Catholic High School.

CNN’s retraction of the false statements identified herein must be published in as conspicuous a manner as they were originally published. To fully retract and correct the false statements, I further demand that *CNN* publish the Video on its Internet home page for a period of no less than 72 hours. Please notify me in writing when these actions have been accomplished.

Govern yourselves accordingly.

Sincerely,



L. Lin Wood



**Greater Cincinnati Investigation, Inc.
718 Valley Square Drive
Taylor Mill, KY 41015**

Final Investigative Report

February 11, 2019

On Tuesday, January 22, 2019, Greater Cincinnati Investigation (GCI) was retained by Dressman, Benzinger, Lavelle (DBL LAW) on behalf of the Covington Diocese and Covington Catholic High School to investigate the incident on Friday, January 18, 2019, at the Lincoln Memorial involving students at Covington Catholic High School, The Black Hebrew Israelites and the Native Americans who were part of an Indigenous People March.

Scope of Investigation

The scope of the investigation was to interview and take statements from Covington Catholic students and their chaperones who were in attendance, to identify, locate and interview 3rd party witnesses who were present, to review and monitor social media posts and news articles, and to attempt to locate and review any additional video that might be available.

Since January 22, we have devoted approximately 240 man hours in the investigation to date, involving four (4) licensed investigators.

Students attending the trip were asked to voluntarily give their statements regarding the events of January 18. We separately interviewed 43 students. Parents were invited to attend the interviews with their sons, and parents did so in approximately one-third of the interviews.

There were sixteen (16) adult chaperones on the trip. We spoke with all nine (9) faculty chaperones and four (4) parent chaperones.

We reviewed approximately fifty (50) hours of internet activity, including but not limited to all major news networks, YouTube, Vimeo, social media accounts on Facebook, Instagram, Twitter.

We attempted to obtain surveillance video from the Lincoln Memorial. We have reached out to the National Park Service by phone and e-mail. To date our efforts have been unsuccessful.

We were able to locate a social media account that goes by @trevonallworthy aka King Trevon. King Trevon has posted several videos from the Lincoln Memorial. We have reached out to King Trevon on two (2) different social media sites and to date he has not responded back. His videos are confirmatory to our findings.

Attempts were made through legal counsel to take Nick Sandmann's in-person statement. We were asked to consider his written statement of January 20, 2019.

We have attempted to reach out to Mr. Phillips by phone and by e-mail, informing him that we desired to interview him in person and that we were prepared to meet him in Michigan or any location he might prefer. We also sent Mr. Phillips' daughter an e-mail as they both appear to be involved in the Native Youth Alliance and have shared their e-mail addresses after the event to

thank everyone for reaching out and supporting them. We never received a response to our inquiries. In addition, our investigators travelled to Ypsilanti, Michigan to seek a personal interview. We are confident that we visited Mr. Phillips' residence. He was not present over a six-hour period and we left a note asking him to contact us. We have not received a response.

Key Findings

Students

- The students traveled from Park Hills, KY to Washington DC to attend the March for Life. Some of the students stressed that they attended because of their faith, some stated it was to get service hours, and some stated it was to get out of school and spend time with their friends.
- The students arrived at the Lincoln Memorial at different times. The students who arrived earlier encountered the Black Hebrew Israelites, who clearly addressed offensive statements to the students. We see no evidence that students responded with any offensive or racist statements of their own.
- Some of the students asked the chaperones if they could do their school cheers to help drown out the Black Hebrew Israelites. In years past students have performed school cheers at the Lincoln Memorial. Video evidence supports a finding that the Black Hebrew Israelites were laughing along with the students during the "sumo" cheer. The cheers performed at the Lincoln Memorial are commonly performed at football or basketball games.
- We found no evidence that the students performed a "Build the Wall" chant.
- After the interaction with the Black Hebrew Israelites, Mr. Phillips approached the students. Most of the students state that they felt like he was coming into their group to join in with the students' cheers. None of the students felt threatened by Mr. Phillips and many stated they were "confused."
- We found no evidence of offensive or racist statements by students to Mr. Phillips or members of his group. Some students performed a "tomahawk chop" to the beat of Mr. Phillips' drumming and some joined in Mr. Phillips' chant.
- As the interaction between Nick Sandmann and Mr. Phillips ended, most of the students reported that they again turned their attention back to the Black Hebrew Israelites. Chaperones moved students to the buses shortly thereafter.
- Some students stated that one of the chaperones reminded the students that, if they engaged in a verbal exchange with the Black Hebrew Israelites, they would receive detention when returning to school. Video evidence shows that this happened approximately five minutes before the students can be seen heading to the buses.

- As the students began leaving the area, one student was stopped by a uniformed police officer for running. It was reported that the officer advised this student he should not be running at the Lincoln Memorial. We saw no uniformed police presence at the Lincoln Memorial while students were there.

Chaperones

- Several of the chaperones arrived with their groups of students after the fact, as they attended the last viewing of the changing of the guard at Arlington Cemetery at 5:00 p.m. Nine (9) chaperones report being present at the Lincoln Memorial when the main interactions took place. Video confirms at least five (5) chaperones were present.
- Video confirms that toward the end of the interactions between Nick Sandmann and Mr. Phillips, at least two (2) chaperones can be seen telling the students that the buses are arriving. At this time, most of the students' attention was directed to the Black Hebrew Israelites. Also at this time a chaperone can be observed telling the students to "back it up," moving them back from the Black Hebrew Israelites. This happened approximately 4-5 minutes before the students headed to the buses.
- The chaperones who were at the Lincoln Memorial and who witnessed the interaction between the students and Black Hebrew Israelites stated that the Black Hebrew Israelites were saying offensive things to anyone that walked by and not just the students. During this time the chaperones never felt like the students were in any danger.
- The chaperones present during the interaction with Mr. Phillips state that they did not feel the students were threatened by Mr. Phillips or his group.
- After Mr. Phillips exited the area, the students' attention turned back to the Black Hebrew Israelites. Shortly thereafter, the chaperones decided to tell the students the buses were present even though at that point they had not arrived. Students were not instructed to "move to the buses" until after the interactions with the Black Hebrew Israelites and Mr. Phillips.

Make America Great Again Hats (MAGA Hats)

- Students and chaperones stated that few, if any, students were wearing MAGA hats when they left Covington Catholic to head to Washington DC. Most students purchased the hats before, during or after the March for Life.
- In years past, some chaperones reported that some students had purchased "Hope" hats in support of President Obama.
- We found no evidence of a school policy prohibiting political apparel on school-sponsored trips.

Investigation into the Comment "It's Not Rape If You Enjoy It"

- An individual can be heard making a comment that "it's not rape if you enjoy it" while the students were at the Lincoln Memorial.
- Our investigation concludes that the individual who made the comment was not a student at Covington Catholic. In addition, viewing longer videos of this comment reveals that a person in the crowd states, "He does not go to CovCath" almost immediately after the comment was made.

7 Second Video

- There was a 7 second video posted on Twitter by @roflinds that shows a group of boys making comments to two females as they walk by.
- We cannot confirm that the students in the video are students at Covington Catholic. It is also not totally clear what was said in the video.

Nick Sandmann

- Mr. Sandmann's January 20, 2019, statement appears to accurately reflect the facts surrounding the interaction between the students and the Black Hebrew Israelites.
- Regarding the interaction with Mr. Phillips, Mr. Sandmann reports that he was concerned a situation was getting out of control. He states that he was attempting to defuse the situation.

Mr. Phillips

- Mr. Phillips' public interviews contain some inconsistencies, and we have not been able to resolve them or verify his comments due to our inability to contact him.

Conclusion

- The statements we obtained from students and chaperones are remarkably consistent. And, the statements are consistent with the videos we reviewed. As with any investigation, new evidence could come to light in the future. We are professionally satisfied that, at this time, it is proper to close the investigation and issue this final report.

Greater Cincinnati Investigation, Inc.

By: 

Chad Moran, Investigator



DIOCESE OF COVINGTON

Office of the Bishop

1125 Madison Avenue, Covington KY 41011-3115

Phone: (859) 392-1512 • Fax: (859) 392-1508

25 January 2019

My dear Covington Catholic Parents,

Since Saturday, 19 January 2019 the events at the Lincoln Memorial following the annual March for Life have gained international attention. Within hours we were being pressured from all sides to make a statement regarding a video clip which purportedly showed students from Covington Catholic High School being disrespectful to Native American Elder Nathan Phillips. Based on what the video clip showed we condemned the actions of students who engaged in the alleged disrespect and promised to investigate the matter.

Since that time other video clips – some of much longer duration – have surfaced. Once these went viral some of the very same people who had put tremendous pressure on us to condemn the actions of the students now wanted a retraction from anyone who had previously issued a statement critical of them. All of this was based again on a video.

Subsequently, there have been death threats to some of the students and their families. The vitriol and hateful comments on some online stories, some of them appearing on websites that purport to be Catholic and pro-life, have been beyond belief and anything but pro-life. We even had a bomb scare at the Curia offices and had to close the Curia and Covington Latin School (across from the Curia) in light of safety issues. People who are not at all familiar with Covington Catholic High School, its students, faculty, staff, administration and/or the Diocese of Covington have felt free to criticize in the harshest terms.

Having issued a second statement that said that we have engaged a third-party investigative team to do a thorough and in-depth investigation into the events that transpired on Friday, 18 January, it was our hope that this would ameliorate some of the hate being spewed on the internet and other news media. Unfortunately, this did not happen and people are still lined up on either side.


We are sorry that this situation has caused such disruption in the lives of so many. We apologize to anyone who has been offended in any way by either of our statements which were made with good will based on the information we had. We should not have allowed ourselves to be bullied and pressured into making a statement prematurely, and we take full responsibility for it. I especially apologize to Nicholas Sandmann and his family as well as to all CovCath families who have felt abandoned during this ordeal. Nicholas unfortunately has become the face of these allegations based on video clips. This is not fair. It is not just.

We now await the results of the investigation and it is my hope and expectation that the results will exonerate our students so that they can move forward with their lives. In any event, we will make the final report public once it has been received. In the meantime, we call on all those who continue to spew venom and hate to desist and instead pray for a peaceful resolution to this tragic spectacle.

Mr. Robert Rowe, the Principal of Covington Catholic High School, has also been the target of this venom. He is a fine leader and role model for every student at CovCath and I support him unequivocally. Those calling for his resignation simply do not know him.

This has been a trying time for all of us. I pray that with the grace of God and the goodwill of all involved peace will once again reign in the hearts and minds of our faithful. As for CovCath, we have a spirit that will not die!

Yours devotedly in the Lord,

+ 
Most Reverend Roger J. Fays, D.D.
Bishop of Covington

February 19, 2019

VIA FEDEX & ELECTRONIC MAIL

David Vigilante, Esq.
Senior Vice President, Legal
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One CNN Center
Atlanta, GA 30303

Cable News Network, Inc.
c/o C T Corporation System
Registered Agent
289 S Culver St.
Lawrenceville, GA 30046

RE: *Nick Sandmann*

Dear David:

This letter supplements my February 16, 2019, letter demanding a retraction of certain false and defamatory television broadcasts and articles published by *Cable News Network, Inc.* ("CNN") of and concerning Nick Sandmann ("Nick"). This letter supplements my prior demand.

On January 19, 2019, *CNN* published the following false and defamatory statements on SE Cupp Unfiltered which must be retracted:

1. The sub-title "SHAMEFUL ACT [-] VIRAL VIDEO CAPTURES TEENS MOCKING NATIVE AMERICAN VETERAN"
2. "You've probably seen it by now, the viral video sweeping the Internet of a mob of MAGA hat wearing high school students surrounding a Native American chanting and drumming in the nation's capitol at the Indigenous Peoples March."
3. "He and others were harassed and taunted by students from Covington Catholic High School, a private all boys school in Kentucky ..."
4. "The Communications Director with the Roman Catholic Diocese of Covington released a brief statement today, saying in part: 'We condemn the actions of the Covington Catholic High School students towards Nathan Phillips specifically, and Native Americans in general... The matter is being investigated and we will take appropriate action, up to and including expulsion.'"
5. "Congresswoman Deb Haaland of New Mexico also tweeted: 'This Veteran put his life on the line for our country. The students' display of blatant hate, disrespect, and intolerance is a signal of how common decency has decayed under this administration. Heartbreaking.'"

6. "And my CNN colleague, Kirsten Powers, tweeted at the school's superintendent: 'What are you going to do about this @supmikeclines? This is absolutely contrary to Catholic teaching and you know it. Do something. Also these boys need a better education. You are failing them.'"

7. "Well those are some tough words, and clearly these boys are not getting a good education, because it makes little sense to angrily chant 'build the wall' to a population with literally zero illegal immigrants, who were here long before we were."

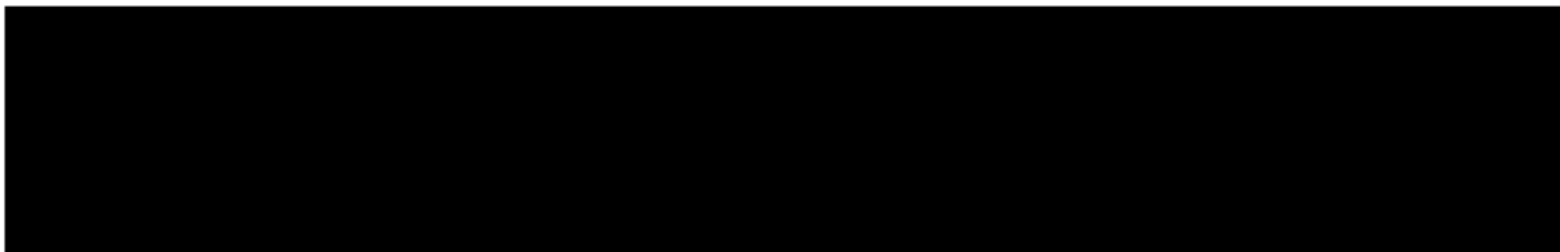
I trust that you understand from my February 16, 2019, letter why these statements are false. Out of an abundance of caution, *CNN* is advised that Nick did not mock, harass, or taunt Phillips or others present on January 18 at the National Mall. Nick did not chant "build the wall," angrily or otherwise. Nick did not disrespect Phillips or display blatant hate or intolerance. Nick's conduct was not contrary to Catholic teaching, as demonstrated by the Diocese's exoneration of Nick and his classmates. Nick's conduct was exemplary under the circumstances, not "shameful."

CNN's retraction of the false statements identified herein must be published in as conspicuous a manner as they were originally published.

Sincerely,



L. Lin Wood



From:

Date: March 12, 2019 at 2:06:26 PM EDT

To:

Cc:

Subject: Sandmann

David:

My team has just discovered additional video broadcasts by CNN. This e-mail constitutes a supplemental retraction demand on behalf of Nicholas Sandmann.

In addition to the statements identified in my prior correspondence regarding S.E. Cupp's show on January 19, CNN broadcast the following false and defamatory statements:

1. "Nathan Phillips has told CNN that these kids originally started shouting at a group of African-Americans and he walked between them trying to break up the shouting match that followed. What did you think when you saw these kids starting to circle Nathan Phillips?"
2. "As an attorney I felt that this qualified as a legal definition of assault. They were causing an apprehension, an objective fear of offensive contact or harm. They were very loud and very aggressive, very vocal and they were disrupting. They were trying to drown out not only the group of African-Americans but Nathan Phillips, Raymond kingfisher."
3. "What you mentioned, they originally started by taunting a group of African-Americans, they moved over to Nathan Phillips and your group."

On January 20, CNN published the following false and defamatory statements on New Day Weekend with Victor Blackwell and Christi Paul:

1. "A native American elder and Vietnam war veteran is speaking to CNN after a disturbing viral video shows this group of teenagers harassing and mocking him. This happened in Washington."
2. "When I was standing there and he seen the group of people in front of me and seen the angry faces and all of that, I realized I had put myself in a really dangerous situation. You know? It was like, here is a group of people who were angry at somebody else and I put myself in front of that and, all of a sudden, I'm the one who is all of that anger and all of wanting to have the freedom just to rip me apart, you know? That was scary. And I'm a Vietnam times veteran and I know that mentality of 'there is enough of us, we can do this.'"
3. "Phillip says the moments after that became pretty tense. And you're seeing them. They are played all over the place online, on Twitter, on Instagram. You've seen them on Facebook as well. He said the young man got right in his face. Watch this."
4. "When I started going forward and that massive groups of people started separating and separating and moving aside to allow me to move out of the way or proceed, this young fellow put himself in front of me and wouldn't move. And so

if I took another step, I would be putting my person into his presence, into his space, and I would have touched him. And that would have been the thing that the group of people would of needed to spring on me.”

5. “The Roman diocese has condemned those teens' actions.”

Please promptly retract and correct each of these false and defamatory statements.

With respect to our earlier discussions about this matter, Todd McMurtry is in my office today from Kentucky and we are happy to speak with you before the complaint is filed later this afternoon.

Thank you.

Lin

L. Lin Wood
L. LIN WOOD, P.C.
1180 West Peachtree Street
Suite 2040
Atlanta, GA 30309

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received. Thank you.